

DRAFT
TOWN BOARD MEETING

September 07, 2005

Supervisor Pagones opened the Regular Town Board meeting at 7:30 pm, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney, Ronald Blass; Paul Gromkowski, Housing Director; Joanne Shebanie, Legislative Aide; Bill Ratigan, Parks Superintendent; Susan McGuire, Personnel Director; Hans Klingzahn, Highway; Nancy Lecker, ZBA Secretary; Brian Callahan, Barry Silverstein, ZBA Chairman; Christopher Colsey, MDD; Richard Rang, Dan Zalinsky; Residents - Jennifer Kocur, Ryan Sherwood, Azem Albra, Daniel Oberhauser, Kathy Ferguson, James Pagones, Robert LaColla, Kenneth Stenger, Mrs. Poirier and Town Clerk, Darlene Bellis

PUBLIC HEARING(s)

Establishment of the Merritt Park Lighting District

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the establishment of the Merritt Park Lighting District. Public hearing opened at 7:38 pm

Supervisor Pagones asked the audience if anyone would like to speak. Hearing none she states she would entertain a motion to close the public hearing.

Motion made by Councilman Ferguson **to close the public hearing.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:39 pm

Local Law amending Chapter 150-61(A)(9)

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing amending Chapter 150-61(A)(9) pertaining to accessory neighborhood commercial uses in multi-family residential developments. Public hearing opened at 7:39 pm

Supervisor Pagones asked the audience if anyone would like to speak. Hearing none she states she would entertain a motion to close the public hearing.

Motion made by Councilwoman Malvarosa **to close the public hearing.**

Seconded by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:41 pm

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Local Law amending Chapters 150-2 and 150-30(A)

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing amending Chapters 150-2 and 150-30(A) to change the zoning code provisions pertaining to signs.

Public hearing opened at 7:41 pm

Councilman Zack read a letter from Peg Birney regarding signs in the town of Fishkill.

Supervisor Pagones asked the audience if anyone would like to speak.

Daniel Oberhauser asked if there will be a limit sign heights to 14'. They have signs in existence and feel they should be grandfathered in.

Bruce Vianti, Blue Seal Feeds, stated he has a sign on the front and one on front lawn, does one have to go? He asked the Board to take comments, try to digest information further, before discussion or decision is done, and asked what the next steps are.

Town Attorney, Ronald Blass, stated the Board should pick a target date for comments.

Supervisor Pagones set October 5th as a dead line to receive items to be addressed and comments, then the Board will go forward.

Daniel Oberhauser continued by stating that the Marriott has existence signs.

Supervisor Pagones stated that this Board is interested in talking to everyone about their concerns and if there are significant problems, the will have to be addressed.

Motion made by Councilman Leenig **to close the public hearing.**

Seconded by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:48 pm

Local Law amending Chapter 150-77(A)

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing amending Chapter 150-77(A) to change the penalty for violations of the zoning code.

Public hearing opened at 7:48 pm

Supervisor Pagones asked the audience if anyone would like to speak. Hearing none she states she would entertain a motion to close the public hearing.

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Motion made by Councilman Ferguson **to close the public hearing.**

Seconded by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:50 pm

Sarah Taylor Park and Village Rezoning Exemption

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for Sarah Taylor Park and Village Rezoning Exemption.

Public hearing opened at 7:50 pm

Supervisor Pagones asked the audience if anyone would like to speak.

Hearing none she states she would entertain a motion to close the public hearing.

Motion made by Councilman Zack **to close the public hearing.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 7:55 pm

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

Motion made by Councilman Zack **to go into the privilege of the floor for agenda items. Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Supervisor Pagones asked the audience if anyone would like to speak.

Hearing none she stated she would entertain a motion to go back into the regular order of business.

Regular Order of Business

Motion made by Councilman Leenig **to go into the regular order of business. Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

ANNOUNCEMENTS

Letter of appreciation to the Brinckerhoff All Day Camp counselors

Supervisor Pagones read (**copy attached to original minutes**) a letter from Debbie C. McLiverty expressing her appreciation for the wonderful job the counselors at the Brinckerhoff All Day Camp performed.

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Tonka Truck show at Wal-Mart to support hurricane Katrina victims

Supervisor Pagones announced that Tonka Trucks will be doing a demonstration of their Tonka Trucks at Wal-Mart and will take donations to support the hurricane victims of Katrina on Friday, September 23, 2005 from 2pm – 5 pm.

PRESENTATION(s)

Supervisor Pagones read a newspaper article from the Poughkeepsie Journal entitled "Quick -thinking kids help stop house fire in Fishkill" which led to the presentation to Jennifer Kocur and Ryan Sherwood a plaque of appreciation for the recognition of outstanding community service they both performed.

MOTION(s) TO APPROVE/ADOPT

Request of noise variance-Mt. Gulian fireworks

Supervisor Pagones read (**copy attached to original minutes**) a request from the building department for Legion Fireworks asking permission to hold a 15 minute fireworks display at Mount Gulian Historic site on September 13, 2005.

Motion made by Councilman Zack **to approve the fireworks display on September 13, 2005 at Mt. Gulian Historic site as requested.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Court dispositions for violators

Motion made by Councilman Zack **to approve the request for court disposition as submitted by Edward Peters. Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Water/Sewer fee schedule

John Andrews absent this evening -
Diary to the day meeting

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MOTION(s) TO ACCEPT RESIGNATION

James Wick-Planning Board Chairman

Supervisor Pagones read (**copy attached to original minutes**) a letter of resignation from James H. Wick from the Planning Board and Planning Board Chairman effective immediately.

Motion made by Councilman Zack **to accept with regrets the letter of resignation from James Wick from the Planning Board and as Chairman. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Melissa Morrill-Police Officer

Supervisor Pagones read (**copy attached to original minutes**) a letter of resignation from Melissa Morrill as Police Officer effective immediately.

Motion made by Councilman Ferguson **to accept with regrets the letter of resignation from Melissa Morrill as Police Officer as submitted. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Summer recreation personnel termination effective 09-01-2005

Motion made by Councilman Zack **to terminate the summer recreation personnel effective 09-01-2005 as submitted by Cindy Starke, Recreation Director. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

MOTION(s) TO APPOINT

Brian Callahan-permanent Planning Board member

Motion made by Councilman Zack **to appoint Brian Callahan as a permanent Planning Board member to replace James H. Wick. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

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Tom Knips-Planning Board Chairman

Motion made by Councilman Zack **to appoint Thomas Knips as the Planning Board Chairperson to replace James H. Wick. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

In-School personnel - first session effective 09-08-2005

Motion made by Councilman Zack **to appoint the In-School personnel - first session effective 09-08-2005. Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

BUDGET TRANSFERS

Motion made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Recreation	\$ 785	to balance teen traveler deficit and celebration supplies
Recreation	\$ 2,700	to balance senior center deficit
Recreation	\$ 2,140	to cover some of the fall In-School Program
Recreation	\$ 2,286	to balance the summer camps payroll deficit
Recreation	\$ 265	to balance summer basketball deficits

(copies attached to original minutes)
Seconded by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Supervisor Pagones read **(copy attached to original minutes)** a request to apply for grant to the Division of Criminal Justice Services for the funding of two (2) Harley Davidson Police motorcycles.

Motion made by Councilman Ferguson **to apply for a grant to the Division of Criminal Justice Services for the funding of two (2) Harley Davidson Police Motorcycles, each costing approximately \$14,000 and approximately \$2,000 each for emergency vehicle equipment. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a request to award the 2005 Highway Equipment to the lowest bid prices.

Motion made by Councilman Zack **to approve the recommendation for bid awarding to the lowest bid prices for the 2005 Highway Equipment. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

NEW and OLD BUSINESS

Councilwoman Malvarosa
The Animal Disaster Committee has a rough draft and when it becomes final, the committee will give it to the Town Board and Town Attorney to review. October 15th there will be another rabies clinic in combination with the Town of Wappinger. Licensing will be done at that time.
9-11 emergency response memorials will be at 8:30 am in front of the police department

Councilman Zack
Stated he wanted to commend Mr. Ratigan for the excellent work in regards to the wall where the monument will be mounted.
Town clean up will be on September 24th at Maurer/Geering Park 8-1pm

Councilman Ferguson
The building security system is working, and wanted to thank Mr. Ratigan also.

Councilman Leenig
Will be having a Meeting with the VFW to arrange the upcoming veterans day ceremony.

Supervisor Pagones
Read (**copy attached to original minutes**) a resolution regarding the rezoning exemption for Sarah Taylor Park and Village of Fishkill and approves the determination that the proposed undertaking of the Village of Fishkill, and all matters relating to it, are exempt from local land use regulations and made a **Motion to adopt and approve said resolution. Seconded** by Councilwoman Malvarosa
Roll Call Councilman Ferguson aye
 Councilman Leenig aye
 Councilwoman Malvarosa aye
 Councilman Zack aye
 Supervisor Pagones aye
Motion Carried

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Read (**copy attached to original minutes**) a resolution adopting a local law amending Chapter 150-77(A) to change the penalty for violations of the zoning code.

Motion made by Councilman Zack **to adopt said local law.** **Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Read (**copy attached to original minutes**) a resolution adopting the establishment of the Merritt Park Lighting District.

Motion made by Councilman Ferguson **to adopt the establishment of the Merritt Park Lighting District.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Mrs. Poirier thanked the town for the help from the Board and Chris Colsey, Joanne Shebanie, and Pamela Garnot, and stated that the town has a big heart and helped her obtain a home so she could have her son live her.

Supervisor Pagones read (**copy attached to original minutes**) a resolution to set a public hearing for the enactment of a local law amending Section 143-10 to establish a no parking zone on the south side of Duncan Place, beginning at the intersection of Osborne Hill Road, west a distance of 50 feet to be held on 09-21-2005 at 9:30 am.

Motion made by Councilman Ferguson **to set a public hearing on September 21, 2005 at 9:30 am for the local law amending Section 143-10 establishing a no parking zone on the south side of Duncan Place.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

EXECUTIVE SESSION

Motion made by Councilman Zack **to go into executive session.**
Seconded by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Executive session at 8:30 pm

Regular Order of Business

Motion made by Councilman Zack **to go back into the regular order of business.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Regular Order of Business at 8:53 pm

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to execute a proposed contract with Hubbell Realty Services, Inc. to conduct an appraisal of the "upper well field" site located at Riga Blvd.

Motion made by Councilman Zack **to approve and authorize the Supervisor to execute the proposed contract with Hubbell Realty Services, Inc.** **Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution setting a public hearings on 09-21-2005 at 9:30 am for the establishment of a local law amending the zoning map of Chapter 150 to change the district designation of certain real property ("Hasbrouck Plaza") from R-40 to GB.

Motion made by Councilman Zack **to set a public hearing on September 21, 2005 at 9:30 am to change the district designation of certain real property ("Hasbrouck Plaza") from R-40 to GB.** **Seconded** by

Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

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Supervisor Pagones read (**copy attached to original minutes**) a resolution setting a public hearings on 09-21-2005 at 9:30 am for the establishment of a local law amending the zoning map of Chapter 150 to change the district designation of certain real property ("Merritt Park Condominiums") from R-4A to RMF-5.

Motion made by Councilman Zack **to set a public hearing on September 21, 2005 at 9:30 am to change the district designation of certain real property ("Merritt Park Condominiums") from R-4A to RMF-5.**

Seconded by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution setting a public hearings on 09-21-2005 at 9:30 am for the establishment of a local law amending the zoning map of Chapter 150 to change the district designation of certain real property ("Chiulli") from R-15 to GB.

Motion made by Councilman Zack **to set a public hearing on September 21, 2005 at 9:30 am to change the district designation of certain real property ("Chiulli") from R-15 to GB.**

Seconded by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

ADJOURNMENT

Motion made by Councilwoman Malvarosa **to adjourn the meeting.**

Seconded by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Meeting adjourned at 8:56 pm

Respectfully submitted,

Darlene Bellis
Town Clerk